



The Sizewell C Project

9.63 Comments at Deadline 6 on Submission from Earlier Submissions and Subsequent Written Submissions to ISH1-ISH6

Revision: 1.0
Applicable Regulation: Regulation 5(2)(q)
PINS Reference Number: EN010012

August 2021

Planning Act 2008
Infrastructure Planning (Applications: Prescribed
Forms and Procedure) Regulations 2009





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1 INTRODUCTION

1.1 Purpose of this document

1.1.1 This report provides comments from SZC Co. (the Applicant) on additional information and submissions received at earlier deadlines, namely Deadline 3 (24 June) and Deadline 5 (23 July). It also provides supplementary submissions in response to actions arising from the Issue Specific Hearings 1 to 6 where specified in the Written Submission documents submitted at Deadline 6 [REP5-113 to REP5-118].

1.2 Deadline 3 Submissions

1.2.1 The Applicant reviewed all submissions to Deadline 3 and provided a response (where necessary) in the form of:

- **SZC Co. Comments on Submissions from Earlier Deadlines (Deadlines 2-4) [REP5-119];** and
- **Comments on Responses to the ExA's First Written Questions (ExQ1) submitted at Deadline 3 [REP5-121].**

1.2.2 In some instances, commitments were made in those documents to provide further information or responses at a subsequent Examination deadline. This report provides further information and responses to Deadline 3 submissions in accordance with SZC Co.'s previous commitments.

1.3 Deadline 4 Submissions

1.3.1 The Applicant was the only respondent to Deadline 4. SZC Co. therefore has no comments to make in respect of Deadline 4 submissions.

1.4 Deadline 5 Submissions

1.4.1 The Applicant has reviewed all submissions to Deadline 5. This report provides the Applicant's response to Deadline 5 submissions where time has allowed, and indicates where the Applicant will provide a further response to Deadline 5 submissions at Deadline 7 (3 September) in light of the short period of time between the deadlines. A response is not provided where matters are intended to be addressed through the Statements of Common Ground and ongoing discussions with stakeholders, or if SZC Co. consider that matters have been responded to previously.

1.5 Written Submissions to ISHs

1.5.1 A suite of documents were submitted at Deadline 5 containing the Applicant's written submissions responding to actions arising from Issue Specific Hearings 1 to 6, namely:

- Written Submissions responding to actions arising from ISH1: Draft DCO and Section 106 Agreement/Deed of Obligation [[REP5-113](#)];
- Written Submissions responding to actions arising from ISH2: Traffic and Transport Part 1 (7 July 2021) [[REP5-114](#)];
- Written Submissions responding to actions arising from ISH3: Traffic and Transport Part 2 (8 July 2021) [[REP5-115](#)];
- Written Submissions responding to actions arising from ISH4: Socio-economics and Community Issues (9 July 2021) [[REP5-116](#)];
- Written Submissions responding to actions arising from ISH5: Landscape and Visual Impact and Design (13 July 2021) [[REP5-117](#)];
- Written Submissions responding to actions arising from ISH6: Coastal Geomorphology (14 July 2021) [[REP5-118](#)];

1.5.2 In some instances, the Written Submissions referred to further submissions or reports to be submitted at Deadline 6. These are provided within Section 3 of this report.

1.6 Structure of this Report

1.6.1 The remainder of this report is structured as follows:

- Section 2 contains SZC Co.'s additional responses to submissions at earlier deadlines, relating to Deadlines 2 to 4.
- Section 3 contains supplementary written submissions to ISH1 to ISH6.
- Section 4 contains the Applicant's responses to Deadline 5 submissions, where time has allowed.

2 ADDITIONAL RESPONSES TO EARLIER SUBMISSIONS (DEADLINES 2-4)

2.1 East Suffolk Council

2.1.1 SZC Co. will provide a response at Deadline 7 on comments provided by ESC at Deadline 5.

2.1.1 An updated Statement of Common Ground between the Applicant, ESC and SCC is to be submitted at Deadline 7 reflecting progress of discussions between the parties.

2.1.2 However, in light of the upcoming Issue Specific Hearing 8 on noise and air quality, we thought it beneficial to provide an update on those matters in this deadline. The updates on noise matters are explained in the **Deadline 6 cover letter** and correspond to the **Noise Mitigation Scheme** (Doc Ref. 6.3 11H(B)) and the **Draft Noise Monitoring and Management Plan** (Doc Ref. 9.68) submitted at Deadline 6. In terms of air quality, discussions are ongoing between the parties, with details to be provided at Deadline 7 (within an updated Statement of Common Ground), but in summary:

1. The Applicant is committed to preparing a Dust Monitoring and Management Plan (DMMP) prior to commencement of construction, to include monitoring locations, frequencies and duration and further details on already agreed commitments to the use of dust mitigation measures. It is considering how best to secure this (either through a requirement or the Code of Construction Practice) and this will be confirmed and the relevant document updated to reflect this at Deadline 7. The Applicant will also provide a flow chart at Deadline 7 to show how the dust control processes (CoCP, oCMP, DMMP and contractor CEMPs) interact. The Local Authorities have requested confirmation of the expected contents of the DMMP; this will be provided at Deadline 7.
2. The Applicant will submit updates to the **Construction Traffic Management Plan [REP2-054]** and the **Construction Worker Travel Plan [REP2-055]** as appropriate to reflect the agreed commitments to project HGV and worker bus engine emissions performance standards.
3. The Local Authorities have requested further information on electric vehicle charging points and the use of ultra low- or zero-emitting buses; this will be provided at Deadline 7.
4. The Applicant is committed to defining the mechanisms to be employed for sharing information on and responding to air quality

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nuisance complaints and for sharing of air quality monitoring data between the Applicant, ESC and SCC. Details of how this will be secured will be confirmed at Deadline 7, with the relevant document(s) updated.

5. The Deed of Obligation will be updated to confirm the role of the Transport Review Group in management and mitigation of construction traffic emissions performance standards, and the role of the Environment Review Group in the review of air quality monitoring data and complaints, and addressing all other air quality and dust issues relating to construction activities.

2.1.3 In response to paragraph 20.88 of the joint ESC/SCC Local Impact Report [[REP1-045](#)] submitted at Deadline 1, SZC Co. submits the Northern Park and Ride Drainage Strategy Note as **Appendix A** to this report.

2.2 Suffolk County Council

2.2.6 SZC Co. will provide a response at Deadline 7 on comments provided by SCC at Deadline 5.

2.2.7 An updated Statement of Common Ground between the Applicant, ESC and SCC is to be submitted at Deadline 7 reflecting progress of discussions between the parties. Please refer to an update in paragraph 2.1.2 and 2.1.3 above on discussions relating to air quality matters.

2.2.8 In response to paragraph 20.88 of the joint ESC/SCC Local Impact Report [[REP1-045](#)] submitted at Deadline 1, SZC Co. submits the Northern Park and Ride Drainage Strategy Note as **Appendix A** to this report.

2.3 ESC, SCC, RSPB and SWT

2.3.1 The Joint Local Impact Report prepared by ESC and SCC [[REP1-045](#)] raised concerns regarding in-combination effects arising from construction noise and lighting on bats. Similar concerns were raised by the Royal Society for the Protection of Birds (RSPB) and Suffolk Wildlife Trust (SWT) in their Written Representation [[REP2-506](#)].

2.3.2 **Appendix B** sets out SZC Co.'s response to concerns relating to the in-combination impacts of light and noise on bats.

2.4 Environment Agency

a) Written Representations

2.4.7 In commenting on the Environment Agency's Written Representations, the MMO agree that an assessment of fish impingement should be made without any assumed benefit from the LVSE intake head. SZC Co. has prepared a 'sensitivity analysis' of the fish assessments and the **Quantifying uncertainty in entrapment predictions for Sizewell C** report is submitted at Deadline 6 (Doc Ref. 9.67).

2.4.8 Reference was made in the **Environment Agency's Written Representation [REP2-135]** to a requirement for additional mitigation or compensation to be provided along the Sizewell Link Road (SLR) to ensure no net loss of watercourses, and mammal passage at watercourse crossings. The SLR would cross six watercourses and SZC Co. is committed to providing portal culverts at five of these, as identified in the **SLR Flood Risk Assessment Addendum [REP2-026]**. Portal culverts would straddle the channel and bank leaving them in natural state to avoid impacts on bed geomorphology and also mitigate effects on the upstream and downstream movement of mammals, especially otter, which was recognised in the **Environment Statement** (Volume 6, Chapter 7) **[APP-461]** as being likely to use these ditches as migration corridors within the landscape.

2.4.9 A pipe connection is proposed at the sixth crossing because it is not feasible to install a portal culvert. SZC Co. held a design workshop with the Environment Agency on 21 July 2021 to explore opportunities for additional mitigation and compensation to be provided in respect of watercourse diversions and Sustainable Drainage Systems (SuDS). **Appendix C** of this report shows there would be a net gain of watercourses along the SLR, as well as significant wetland habitat creation associated with SuDS. SZC Co.'s commitment to deliver an overall net gain of watercourses along the SLR would be secured through Requirement 22 of the **draft DCO [REP5-027]**. Requirement 22 will be updated at Deadline 7 to include the Environment Agency as a consultee in relation to the detailed design of the watercourse diversions and SuDS. The **Biodiversity Net Gain Report for Sizewell Link Road [REP5-090]** already covers wetland creation associated with SuDS; while it does not refer to ditch creation, the calculations are insensitive to such features, so the report remains valid. The **Sizewell Link Road Landscape and Ecological Management Plan [REP5-076]** will be updated at Deadline 7 to also make reference to the new watercourses and SuDS.



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b) Comments on Deadline 2 Reports

- 2.4.10 SZC Co. has reviewed the Environment Agency comments on the report “Modelling of the Temporary and Permanent Beach Landing Facilities at Sizewell C’ that was submitted at Procedural Deadline B [[PDB-010](#)]. The SZC Co response are provided in **Table 2.1** below.

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Table 2.1: SZC Co responses to each comment raised by the Environment Agency [REP3-068] following its review of review of the Coastal Geomorphology report “TR543 Modelling of the Temporary and Permanent Beach Landing Facilities”

Ref	EA comment	EA suggestion/ recommendation	SZC Co. response
1	‘Raking piles and cross braces may be required at the seaward end of the unloading platform for stability’ but that these cannot be modelled as 2d models cannot consider diagonal structures. The report states that ‘the omission of these small structures will not materially affect the results of the modelling.’	Provide some further information here. E.g. how many raking piles might reasonably be present? What could their footprint be? Were sensitivity tests carried out adding in further regular piles? The current conclusion is seemingly based on expert judgement, but without offering much insight into	As detailed in the Volume 1 Chapter 2 of the Environmental Statement (ES) Addendum ([AS-181], Section 2.2, paragraph 2.2.78), there would be six raking piles at the seaward end of the unloading platform. The raking pile diameters are likely to be of the same diameter or smaller than the 1.2 m diameter platform piles meaning they will behave similarly to the existing piles modelled. No sensitivity was conducted to include these extra piles as vertical piles. The proximity of the raking piles to the last seaward row of the unloading platform is similar to the proximity of the last two jetty piles and the first two piles of the unloading platform, which modelling results showed no material interaction as indicated by minimal group scour.

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Ref	EA comment	EA suggestion/ recommendation	SZC Co. response
		the rationale behind the judgement.	<p>Figure 1-1: Pile locations of the temporary BLF (MBIF).</p> <p>The scenario of the temporary BLF (now referred to as the Marine Bulk Import Facility (MBIF)) piles only under the largest storm showed minimal change in bed shear stress (1-2 N/m²), of which the unloading platform already consists of 24 piles plus 4 larger mooring dolphins, therefore, the inclusion of 6 more piles c.440 m from shore will be subtle and is not expected to alter the impact magnitude or extent.</p>

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Ref	EA comment	EA suggestion/ recommendation	SZC Co. response
2	Waves <3m Hs were excluded from the hindcast data used for the TOMOWAC modelling. It is assumed the logic of using higher waves only is for a precautionary assessment and/or because use of operational Hs limits for barge and ship result in a more representative range of Hs at the coast anyway, but further clarity would be useful. E.g. is there confidence that worst case has been considered, and scenario whereby lower waves = smaller reduction required to drop below critical threshold hasn't been underestimated.	Further comment on the rationale behind excluding waves <3m Hs, and how these waves relate to the three wave heights modelled in ARTEMIS would be helpful.	Apologies if the text was not clear enough. No, waves less than 3m have not been excluded from the hindcast; the extremes analysis uses the full 22 years as stated. Waves less than 3 m have been omitted from Figure 11 only in order to highlight the predominant directions of the largest storm waves as there is a greater directional spread of the smaller benign conditions, and the focus of TR543 was on large storm waves.
3	'ARTEMIS results were run for the constant water levels associated with peak flood currents and peak ebb currents, which would generate maximum combined wave-current bed shear stresses.' This is a logical approach when considering worst case erosion scenarios, but could it be missing scenarios where a relatively	Provide clarity.	The scenarios with the barge present at the permanent BLF are conducted with a wave height of 0.5 m which is itself a small wave height that causes small changes from a geomorphology perspective (effectively light wave stirring). For example, the average monthly infilling of the grounding pocket is 0.15 m/month during the summer calm conditions (as detailed in Section 4.2.2.3 of Marine Synthesis Report 1, Appendix 20A of the Environment Statement [APP-311]). Under these conditions, changes in bed shear stress are

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Ref	EA comment	EA suggestion/ recommendation	SZC Co. response
	small reduction during calmer conditions leads to a drop below the critical threshold, impacting sediment transport?		tidally dominant at the temporary BLF (MBIF) and the shore parallel changes in bed shear stress are small (1-2 N/m ²). At the permanent BLF, there are still wave induced changes and the potential for a salient formation at the shoreward end of the concrete mattress has been considered and assessed as being unlikely (<i>“As a salient formation is very unlikely and longshore transport will not be affected, the BLFs and associated structures and vessels are not considered to act as a potential barrier to the restorative processes of the beach following natural erosion over the winter”</i>). The formation of a potential salient shoreward of the concrete mattress would be captured under the proposed monitoring included in the Coastal Processes Monitoring and Mitigation Plan [REP5-059]. To model conditions that result in an even smaller change in bed shear stress are unlikely to initiate sediment transport and will not alter the impact.
4	‘The reduction in bed shear stress is between 15 –20 N/m ² along both the inner and outer longshore bar. The baseline bed shear stress along the outer bar is 20 –30 N/m ² No area is reduced below the critical threshold.’ The figures presented imply that there is the potential for shear stress to drop	Further clarity is needed, and if necessary the possibility for resulting impacts should be considered.	The stated ranges in bed shear stress represent the range of values in bed shear stress change over the area of the largest impact (i.e. the value of bed shear stress is variable within zones of continuous colour bands in the plots due to the nature of the plotting software). Whilst the stated ranges in the text (15-20 & 20-30 N/m ²) and the classes of the colour bar in the plots do overlap, for example at 20 N/m ² , the location of the specific computational nodes where the largest reduction

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Ref	EA comment	EA suggestion/ recommendation	SZC Co. response
	below the critical threshold along the outer longshore bar, contradicting the text.		of 20 N/m ² occurs, does not overlap with the same locations of the smallest baseline condition of 20 N/m ² . As such, there is no overlap i.e., the bed shear stress does not drop below the critical threshold.

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2.5 Natural England's Written Representations

a) Collision risk between birds and power lines

2.5.7 Issue 7 within Part II of **Natural England's Written Representations** [REP2-153] relates to physical interaction between species and project infrastructure, with collision risk to birds due to new pylons and overhead power lines being the outstanding issue. SZC Co. provided a response to the issue at Deadline 3 [REP3-043].

2.5.8 In light of Natural England's continued concern regarding collision risk, further consideration has been undertaken and a further response is contained at **Appendix D** of this report.

b) Best and Most Versatile Agricultural Land

2.5.9 In response to **Natural England's Written Representations** [REP2-153] regarding Best and Most Versatile land, updated tables are presented in **Appendix E** showing the breakdown of agricultural land grades required permanently and temporarily as a result of the Project.

2.6 Natural England, MMO and Environment Agency's Written Representations

2.6.1 **Appendix F** contains a Technical Note on the two key parameters in the assessment of effects on the sustainability of fish populations, relating to the application of Equivalent Adult Values compared to the relevant spawning stock or population. The Technical Note serves a summary of the salient points, which are described in further detail in the Application documents, in response to comments in the Written Representations submitted by Natural England [REP2-153], the Environment Agency [REP2-135] and the MMO [REP2-140].

2.7 National Trust [REP3-070]

a) Shadow HRA Second Addendum

2.7.1 National Trust's representation at Deadline 3 [REP3-070] provide detailed comments on the update provided by Sizewell C Co. to the calculations of potential change in recreational use of European sites by displaced visitors and construction workers and the implications of this change on the assessment of recreational displacement in the **Shadow HRA Report** (ExQ1 AR.1.12 (e-page 221) [REP2-100] and its accompanying **Appendix 6A** (e-page 543) [REP2-108]).

2.7.2 In order to progress this matter SZC Co. has held meetings with National Trust, the RSPB and Natural England on 28 and 30 July 2021 and shared the rationales and detailed calculations which underpinned the numbers in Appendix 6A. In those meetings SZC Co. agreed to undertake some additional calculations and prepare a short note to define both the previous and any updated numbers and define the position of the various parties in relation to these numbers including National Trust. Irrespective of the set of numbers which are used, the conclusions of the Shadow HRA report would not change. Similarly the numbers used do not change the content or the application of the **Monitoring and Mitigation Plan for Minsmere Walberswick and Sandlings (North)** [\[REP5-105\]](#).

b) **Coastal Processes Monitoring & Mitigation Plan**

2.7.3 SZC Co. submitted an updated draft of the **Coastal Processes Monitoring and Mitigation Plan** (CPMMP) into the examination at Deadline 5 [\[REP5-059\]](#) to provide stakeholders and interested parties with an opportunity to comment on its proposed detail/outline approach. The draft CPMMP reflects the current stage of the Project's design and development and the consultation carried out with key stakeholders (including the Marine Technical Forum) on its contents to date. Inevitably, specific aspects of the Project's design and its associated monitoring and mitigation will only be capable of being confirmed post-consent. It would not be possible to finalise the plan at this stage, and it is in any case unnecessary to do so given the relevant works cannot begin without ESC's approval of the CPMMP, following consultation with the relevant SNCB, EA and the MMO pursuant to Requirement 7A of the DCO (mirrored, in effect, in Condition 17 of the DML for completeness). It should also be noted that ESC and the MMO are content with this approach and its timings.

2.7.4 In its **Deadline 3 Submission** [\[REP3-070\]](#) and discussed at ISH6, the National Trust has questioned the geographic scale of the monitoring covered by the **CPMMP** [\[REP5-059\]](#). In particular, the National Trust is of the view that the CPMMP should extend further north to the National Trust frontage and Dunwich.

2.7.5 SZC Co. maintains the view that the spatial extent of the **CPMMP** [\[REP5-059\]](#) is adequate and appropriate. Impact extent has been identified and assessed in **Volume 2 Chapter 20 of the ES** [\[APP-311\]](#) and does not suggest impacts will reach the National Trust frontage. The principal aim of the proposals within the **CPMMP** [\[REP5-059\]](#) is to ensure that residual SZC impacts do not propagate to regional scale effects. Monitoring is specified which allows for the detection of any potential propagation of effects

outward from the localised impacts together with adaptive monitoring and the implementation of mitigation plans to respond appropriately.

2.7.6 At ISH6, SZC committed to provide a full written response to the coastal geomorphology issues raised by the National Trust in its **Deadline 3 Submission** [[REP3-070](#)]. This is provided at **Appendix G** of this report.

2.8 **Royal Society for the Protection of Birds and Suffolk Wildlife Trust** [[REP3-072 to REP3-075](#)]

a) **Outline Drainage Strategy**

2.8.7 **Appendix H** contains SZC Co.'s response to the Royal Society for the Protection of Birds (RSPB) and Suffolk Wildlife Trust (SWT) on the **Outline Drainage Strategy** [[REP2-033](#)].

2.8.8 An updated **Outline Drainage Strategy** will be submitted at Deadline 7, taking account of comments from ESC, RSPB and SWT.

b) **Drift line/stony bank vegetation**

2.8.9 The available evidence at the time of producing **Volume 2 Appendix 20A** (Appendix A) of the **ES** [[APP-312](#)] was the Natural England condition survey, sourced from the DEFRA MAGIC web site. SZC Co. now understands and accepts the RSPB/SWT explanation (at paragraph 5.9 to 5.11 of [[REP3-074](#)]) of the presence of annual vegetation of drift lines and perennial vegetation of stony banks habitats along the southern Minsmere frontage – this information now supersedes that mentioned in **Volume 2 Appendix 20A** of the **ES** [[APP-312](#)]. This does not, however, affect the conclusions of the **Shadow HRA Report** [[APP-145](#)] (section 7.7 c) 1)) for these qualifying features due to the predicted nature of effect on coastal processes (as reported in **BEEMS Technical Reports TR543** [[PDB-010](#)] and **TR545** [[REP3-048](#)], and section 7.3 of the **Shadow HRA Report** [[APP-145](#)]) because:

- i. Impacts from Sizewell C's marine activities and structures would not result in any detectable change to bed levels along the shoreline, nor would there be change (beyond natural processes) to the supratidal beach (where drift line and stony bank vegetation reside) (**BEEMS Technical Report TR543** [[PDB-010](#)]).
- ii. The Soft Coastal Defence Feature (SCDF) would not have an adverse effect on the local drift lines or drift line vegetation. It would slowly supply sediment within the native size-distribution to the active Sizewell C beach and then via longshore transport to adjacent shorelines

immediately north and south of the SCDF. Erosion of SCDF sediment would be driven by natural processes, allowing mixing with native sediments and be transported along the shore. The volumes will be small and modelling has shown that elevation changes to the habitat from extreme individual storms are small and difficult to detect (very low change magnitude) (**BEEMS Technical Report TR545** [[REP3-048](#)]). However, over several decades the accumulation of SCDF sediments may slow retreat rates of the shoreline and could result in a wider supra-tidal zone, though much narrower than at Sizewell B where Natural England identify high quality drift line vegetation. Although the whole beach retreat would be slowed as a result of additional shingle, there would be no impact to the cycle of erosion and reconstruction of the beach face and hence to the frontal supra-tidal zone where drift lines form. That is, net environmental forcing remains erosive, so the mixture of natural and imported SCDF sediments would be exposed and shaped by natural wave forces with no adverse effects on their formation or maintenance – periods of faster erosion would remove the drift lines, as previously observed by Natural England, and periods of slower erosion would allow the drift lines to reform, as observed more recently by RSPB [[REP2-506](#) and [REP3-074](#)]. There may, however, be beneficial effects from a wider (than present-day) supra-tidal zone supporting a greater extent of drift line vegetation (as indicated in **Volume 1, Chapter 2, Section 2.15 g) iii**) of the **ES Addendum** [[AS-181](#)]), in addition to the reduced risk of natural breaching and saline intrusion 100 m north of Sizewell C.

2.8.10 Notwithstanding the above, SZC Co. would like to reiterate the point that Natural England's condition assessment¹ (as reported at does identify the status of Unit 113 of the SSSI as 'Destroyed'.

c) [Bats/bat survey reports](#)

2.8.11 SZC Co. submitted a detailed response to the bat issues raised in the Local Impact Report [[REP1-045](#)] submitted by ESC/SCC within SZC Co.'s **Comments on Council's Local Impact Report** [[REP3-045](#)] (please refer to Table 8.2). There is a substantial overlap in the earlier comments raised by RSPB/SWT and the Councils since both responses drew in large part from two reports prepared by the BSG consultancy which all the names parties drew from to inform their written representations / LIR. The substantive points are addressed in that response and include responses

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<https://designatedsites.naturalengland.org.uk/ReportUnitCondition.aspx?SiteCode=S1000721&ReportTitle=Minsmere-Walberswick Heaths and Marshes SSSI>

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on lighting and noise, protection of dark corridors, roost loss and mitigation and the monitoring approach. At Deadline 5 a short further submission was made in relation to the potential for a project-wide effect between the main development site and the Sizewell link road (Appendix Q of **SZC Co. Comments on Submissions from Earlier Deadlines (Deadlines 2-4)** [[REP5-120](#)] on e-page 1392) and at Deadline 6, a further short note is provided on the potential for in-combination effects from lighting and noise (**Appendix B**).

2.8.12 At Deadline 5 we stated that SZC Co. would ‘*consider further any unique points made by RSPB and SWT in respect of bats and the bat survey reports and will respond further at Deadline 6 if relevant*’ [[REP5-119](#)]. Having further reviewed [REP3-074](#), the primary concern relates to roost loss and roost resource, which for the main development site, has been extensively covered in the LIR response.

2.8.13 A further concern of the RSPB/SWT relates to the further surveys proposed for roosts with the comment that ‘We welcome the Applicant’s confirmation that further surveys will be undertaken (paragraph 5.1.685) prior to the commencement of each associated development and prior to any felling, and ‘5.1.8 Surveys undertaken to establish the nature of use at any point in time do not exclude the potential for trees to be occupied in the future. In the event that a tree to be felled is found to be occupied by a roosting bat, licensing and mitigation procedures would be followed.’ However the RSPB/ SWT are ‘concerned that these details are being left until after this Examination and therefore request further consideration to this is given.’ This represents a misunderstanding of the nature and purpose of these surveys. The surveys quoted are the pre-felling construction checks of roost features undertaken under licence, once any order is in place. The surveys of the roosts to inform the protected species licenses, using tree climbing, were undertaken in early 2021 and submitted to examination at Deadline 2 [[REP3-035](#), [REP2-121](#) and [REP2-122](#)].

b) **Comments on RSPB/SWT responses to EA/NE**

2.8.14 SZC Co. have reviewed the comments that the RSPB/SWT made in response to Natural England and the Environment Agency at Deadline 3 [[REP3-074](#)]. In addition to provide support for the comments made by both of these parties, the RSPB/SWT also raised concerns on the following:

- The effects of vessel disturbance on red-throated diver of the Outer Thames Estuary SPA;
- The potential for waterborne pollution to affect bird supporting habitats within the Minsmere-Walberswick SPA and Ramsar site; and

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- In-combination impacts of vessel disturbance.

2.8.15 SZC Co. has provided a response to these points below.

i. Red-throated Diver

2.8.16 The introduction of the **outline Vessel Management Plan** at deadline 6 (Doc Ref. 9.65) provides reassurance that any adverse effect on integrity for red-throated diver can be avoided.

ii. Waterborne Pollution

2.8.17 SZC Co. supports Natural England's position in relation to conclusion on surface water pollution and the conclusion that with construction related mitigation measures, as set out within the Code of Construction Practice [[REP5-078](#)], there will be no impacts on Minsmere Walberswick SPA and Ramsar site.

iii. In-combination Impacts

2.8.18 Further in-combination and cumulative assessment was presented in January 2021 and further clarifications provided in direct response to the points made by the RSPB at deadline 5 (Appendix B of SZC Co.'s **Comments on Responses from Earlier Deadlines** [[REP5-120](#)]).

b) Sizewell B relocated facilities works

2.8.19 Paragraph 3.359 of the RSPB/SWT Written Representations [[REP2-506](#)] state that the overlap in the timing of the relocation of facilities for Sizewell B with the construction period for Sizewell C means that the impacts from both works should be considered together with combined noise modelling outputs.

2.8.20 However, an in-combination assessment of the effects of the Sizewell B Relocated Facilities project with the Sizewell C construction works on the Minsmere-Walberswick SPA and Ramsar site has already been undertaken and presented in the Shadow HRA Report for the Sizewell B Relocated Facilities project (Ref. 1) (see Sections 7.3 and 7.4). This assessment concluded that there would be no adverse effects on the SPA or Ramsar site.

2.8.21 In part, this conclusion is reached on the basis that the particular works for the Sizewell B Relocated Facilities project which have greatest potential to result in noise effects on relevant areas of functionally linked habitat (i.e. the Field 2 works) are planned to occur (and be completed) before

construction for Sizewell C begins. Thus, overlap with the timing of the Sizewell C construction would only occur in the event a delay to the Field 2 works. However, if such temporal overlap did occur it is considered that the combined noise levels would not change as the levels expected from the Sizewell B Relocated Facilities project would be significantly lower than for Sizewell C construction, and no additional extents of the relevant areas of functionally linked habitat would be affected. As such, any combined noise level would be no different from that predicted for the Sizewell C Project alone.

2.8.22 Given the above, the Applicant considers that there is no requirement for the impacts from both Sizewell C construction and the Sizewell B Relocated Facilities project to be considered together as combined noise modelling outputs.

2.9 Network Rail

2.9.1 The **Initial Statement of Common Ground between SZC Co. and Network Rail** [REP2-074] refers to ongoing discussions between the parties on the potential provision of acoustic fencing on Network Rail land adjacent to the railway.

2.9.2 **Appendix I** contains a note prepared by SZC Co. on why such acoustic fencing may only be appropriate in limited circumstances.

2.10 Neil Mahler Relevant Representation / ExQ1 Bio.1.24

2.10.6 In SZC Co.'s response to ExQ1 Bio.1.24 [REP2-100] regarding Neil Mahler's Relevant Representation [RR-0881], the Applicant explained that a technical note on fungi, including an updated desk study, a fungi habitat assessment and a follow up fungi survey for the main development site will be undertaken in 2021. A desk-study of fungal records within the main development site has subsequently been undertaken and is contained in **Appendix J**.

2.10.7 The report in **Appendix J** explains that a total of 988 fungi records were returned from the Desk Study, which included data for Minsmere bird reserve and Dunwich National Trust. This included 416 records of 241 species of non-lichenised fungi, within the 2km of the main development site. These species were mostly comprised of common to uncommon species with no protection or recognised conservation status. Three species of conservation concern and two other notable species were recorded. Of these species of rare or notable fungi, none were recorded in

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areas which would be subject to landtake for the construction of Sizewell C.

- 2.10.8 The main development site contains habitats that are considered potentially of interest for fungi including the coastal habitats, dry acid grassland, wetland habitats associated with Sizewell Marshes SSSI and Goosehill conifer plantation. Protected and notable species recorded in habitats adjacent to the order limits could potentially be found within the main development site.
- 2.10.9 A survey will be undertaken in early Autumn 2021 to provide further information to the examination, with a particular focus on the presence of any protected and notable species.

3 ADDITIONAL WRITTEN SUBMISSIONS ARISING FROM ISSUE SPECIFIC HEARINGS (ISH1 – ISH6)

3.1 Issue Specific Hearing 1

3.1.1 In respect of further proposed updates and considerations relating to the governance arrangements in the Deed of Obligation (and the resolution of disputes where these arise within such groups), see **Appendix K** of this report. An updated **draft Deed of Obligation** is to be submitted at Deadline 7, taking account of feedback at the Issue Specific Hearings and the comments of ESC and SCC.

3.1.2 A note will be provided at Deadline 7 demonstrating how the Works Plans listed at Schedule 4 of the dDCO submitted at Deadline 5 and the Approved Plans listed at Schedule 7 adhere to the Parameter Plans listed at Schedule 6 of the same document.

3.1.3 The Applicant is in discussions with East Suffolk Council in respect of the proposed controls on the provision of the Project Accommodation in the draft Deed of Obligation and an update will be provided at Deadline 7.

3.1.4 An updated **Construction Traffic Management Plan** and **Construction Worker Travel Plan** are to be submitted at Deadline 7, taking account of feedback at the Issue Specific Hearings and ongoing discussions with ESC and SCC.

3.2 Issue Specific Hearings 2 and 3

3.2.1 An updated **draft Deed of Obligation** is to be submitted at Deadline 7, taking account of feedback relating to the clarity of drafting in the draft Deed of Obligations in respect of the commitment to the **Construction Traffic Management Plan** and **Construction Worker Travel Plan**. As explained in **Appendix H** of this report, this updated draft Deed of Obligation will include drafting confirming the power of the Transport Review Group to require SZC Co to submit mitigation measures for its approval to address the impact of any shortfalls or exceedances against the targets or limits in the **Construction Traffic Management Plan** and **Construction Worker Travel Plan** identified through the monitoring. SZC Co shall be required to implement any approved mitigation measures.

3.2.2 In respect of further proposed updates and considerations relating to the governance arrangements in Schedule 16 (Transport) of the Deed of Obligation (and the resolution of disputes where these arise within the

Transport Review Group and Transport Working Groups), see **Appendix H** of this report. An updated **draft Deed of Obligation** is to be submitted at Deadline 7, taking account of feedback at the Issue Specific Hearings and the comments of ESC and SCC.

3.2.3 An updated **Construction Traffic Management Plan** and **Construction Worker Travel Plan** are to be submitted at Deadline 7, taking account of feedback at the Issue Specific Hearings and ongoing discussions with ESC and SCC.

3.2.4 Furthermore, comments on the transport environmental assessment are being discussed with SCC and an update will be issued at Deadline 7.

3.3 Issue Specific Hearing 4

3.3.1 The Applicant is in discussions with East Suffolk Council in respect of the proposed controls on the provision of the Project Accommodation and an update will be provided at Deadline 7. In respect of further proposed updates and considerations relating to the governance arrangements, including community involvement in the governance groups, in the Deed of Obligation (and the resolution of disputes where these arise within such groups), see **Appendix K** of this report.

3.4 Issue Specific Hearing 5

a) Photographs of Sizewell B during construction

3.4.7 In its written representations [[REP2-153](#)], Natural England commented that the combined scale and duration of the construction phase would permanently alter how part of the Suffolk Coast and Heaths Area of Outstanding Natural Beauty (AONB) is viewed, used and plays its part in the designated area as a whole.

3.4.8 In its response [[REP3-042](#)], SZC Co. stated that that the effects of the existing Sizewell A and Sizewell B power stations on landscape character, visual receptors and designated and defined areas of landscape and seascape arise from their physical presence and not their construction, albeit there would be memories of this amongst people who witnessed their construction and/or have seen representations of this in photographs or film.

3.4.9 This matter was also discussed at Issue Specific Hearing 5 (ISH5): Landscape and Visual Impact and Design (13 July 2021).

- 3.4.10 As recorded in the Written Summaries of Oral submissions made at ISH5 [REP5-110] Alister Kratt of LDA Design (Landscape Architect and Masterplan Lead) attending on behalf of the Applicant stated that whilst significant effects arise from the proposal, he considered the Suffolk Coast and Heaths AONB would continue to perform its statutory purpose - to conserve and enhance its natural beauty. Mr Kratt noted that Sizewell B was built and delivered within the designated area and has essentially integrated as part of the AONB and considers that Sizewell C would be no different.
- 3.4.11 It was agreed at ISH5 that photographs would be provided of Sizewell B under construction. These are contained in **Appendix L** of this report.
- 3.4.12 Construction of Sizewell B commenced in April 1987 and became operational in 1995. The area used to support the construction of Sizewell B lay in part to the north of the power station site, on land to be occupied by the proposed Sizewell C. Following the release of this land, the area was restored to scrub and grassland.
- 3.4.13 The photographs illustrate the construction of Sizewell B at various points in time. Where possible the photographs are annotated with their date and have been presented in date order. Where no dates are provided, photographs are placed at the approximate point in the sequence.
- 3.4.14 A 30 minute video posted on line (<https://www.youtube.com/watch?v=7qUyaUmeKXE>) illustrates the dynamic nature of the construction phase between 1991 and 1993, and includes footage of the Gottwald MK1500 crane in operation and aerial views of the beach, sea defences, construction site and ancillary areas utilised during the construction of Sizewell B. Footage of the construction site at night is also presented towards the end of the video.

b) **Additional Design Process**

- 3.4.15 SZC Co. is committed to engaging the RIBA Suffolk Design Review Panel prior to its submission of information to discharge the relevant requirements. Discussions are ongoing with ESC and the version of the DoO to be submitted at Deadline 7 will include details.

3.5 Issue Specific Hearing 6

- 3.5.1 The **Minsmere Sluice Operation and Impacts Review**, which was referred to at ISH6, is contained at **Appendix M**. This Technical Note considers the context and operation of the sluice, summarises the range of potential characteristics of the proposed development which could impact

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on the sluice and provides an explanation why no adverse effects on the operation of the sluice are likely to arise. The note provides signposting to relevant Application documents.

3.5.2 An updated **Construction Method Statement** will be provided at Deadline 7 addressing updated to Paragraph 3.1.61 regarding additional terrestrial piles.

3.5.3 As noted in Section 2, SZC Co. committed at ISH6 to provide a full written response to the coastal geomorphology issues raised by the National Trust in its **Deadline 3 Submission** [[REP3-070](#)]. This is provided at **Appendix G** of this report.

4 RESPONSES TO DEADLINE 5 SUBMISSIONS

4.1 Overview

4.1.1 This chapter provides a response to submissions by the following parties at Deadline 6:

- East Suffolk Council [[REP5-138](#)]
- Justin and Emma Dowley, Create Consulting on behalf of LJ & EL Dowley [[REP5-227](#), [REP5-260](#) and [REP5-265](#)]
- Create Consulting on behalf of the Bacon Family, N J Bacon Farms, Ward Faring Ltd, AW Bacon Will Trust and Nat & India Bacon [[REP5-249](#) and [REP5-258](#)]
- Create Consulting on behalf of the Grant Family [[REP5-259](#)]
- Miss Dyball, Miss Hall and SR Whitwell & Co [[REP5-246](#)]

4.2 East Suffolk Council

4.2.1 In **Table 18.1** of 'East Suffolk Council comments on Deadline 3 and 4 submissions from the Applicant' [[REP5-138](#)] at 18.3.6 and 18.3.31, East Suffolk Council refers to the **Noise Monitoring and Mitigation Plans** that form a noise control document under the **Code of Construction Practice** [[REP5-078](#)].

4.2.2 A draft of the **Noise Monitoring and Mitigation Plan** (Doc Ref 9.68) for the main development site has been forwarded to East Suffolk Council to facilitate further discussion on the appropriate controls for construction noise and vibration.

4.2.3 The main development site draft **Noise Monitoring and Mitigation Plan** (Doc Ref 9.68) serves as an initial framework for ongoing discussions between SZC Co. and East Suffolk Council, with the agreed details to be carried forward in due course into the **Noise Monitoring and Mitigation Plan** for each Associated Development site.

4.2.4 The main development site draft **Noise Monitoring and Mitigation Plan** (Doc Ref 9.68) is submitted to the Examining Authority at Deadline 6, in the same draft form as issued to East Suffolk Council.

4.2.5 Since the discussions are ongoing, SZC Co. understands that to assist the Examining Authority and provide clarity on their position in advance of the

Issue Specific Hearing on noise and vibration (ISH8), East Suffolk Council will submit their comments on the draft **Noise Monitoring and Mitigation Plan** (Doc Ref 9.68), also at Deadline 6.

4.2.6 In **Table 18.1** of 'East Suffolk Council comments on Deadline 3 and 4 submissions from the Applicant' [[REP5-138](#)] at 20g, East Suffolk Council requested clarification on how eligibility for noise insulation would be determined in situations where the qualifying criteria are only met on Saturday afternoons.

4.2.7 To address this point, and to provide greater clarity on the steps that SZC Co. is committing to take to implement the **Noise Mitigation Scheme** (Doc Ref 6.3 11H(B)), an updated version of the scheme is submitted at Deadline 6.

4.2.8 In addition to greater clarity on the steps to implement the scheme and a proposed solution to the Saturday afternoon point raised by East Suffolk Council, the updated **Noise Mitigation Scheme** (Doc Ref 6.3 11H(B)) also includes:

- more detail on temporary rehousing provision;
- a medical/clinical needs provision that was designed to accommodate the proposed mitigation agreed with Pro Corda Trust (see item PC3 in Table 2.1 of the **Statement of Common Ground** between SZC Co. and Pro Corda Trust [[REP3-030](#)]) and at the request of East Suffolk Council has been widened to offer the same flexibility for others in a similar position; and
- a flexible provision to permit more flexible mitigation options for houseboats at Woodbridge and Melton and park homes at Whitearch Park.

4.2.9 Similar to the approach outlined for the draft **Noise Monitoring and Mitigation Plan** (Doc Ref 9.68), SZC Co. understands that to assist the Examining Authority and provide clarity on their position in advance of the Issue Specific Hearing on noise and vibration (ISH8), East Suffolk Council will submit their comments on the draft **Noise Mitigation Scheme** (Doc Ref 6.3 11H(B)), also at Deadline 6.

4.3 Owners of the Order Land

a) Responses previously provided

4.3.1 **Table 4.1** summaries where responses have been previously provided to the topics raised by the particular landowners.

Table 4.1: Summary of responses previously provided by SZC Co. to owners of the Order Land

Landowner Deadline 5 Submission	SZC Co. Response
Create Consulting on behalf of LJ & EL Dowley, Justin and Emma Dowley [REP5-227 , REP5-260 and REP5-265]	
Concern around operation of borrow pits, and impacts on nearby residential properties	20.3.7 [REP3-042] Appendix D Northern Borrow Pit Summary [REP5-117]
Concerns around size of the main site roundabout size and requirement for 5 th leg	[APP-190] , ES Volume 2, Chapter 6: Alternatives Appendix N of this report includes a report previously provided to the Interested Party
Lighting proposals for the main site roundabout and impacts on nearby residential properties	13.3.1(a) [REP5-119] Technical Note on Indicative Lighting Modelling [REP3-057]
Air pollution from main site roundabout and impacts on nearby residential properties	13.3.13(c) [REP5-119]
Impacts on ecology and farming operations due to changes to water levels, including saltwater incursion	APP-297 6.3 Volume 2 Main Development Site Chapter 19 Groundwater and Surface Water AS-236 (Updated Water Monitoring and Response Strategy) APP-181 Outline Drainage Strategy

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	20.4.16 – 20.4.20 [REP3-042] DL3 Response
Concerns around the Sizewell Link Road	20.3.7 [REP3-042]
Concerns relating to noise data	13.13.1(b) [REP5-119]
N J Bacon Farms, Ward Farming Ltd, A W Bacon Will Trust and India Bacon [REP5-249]	
Create Consulting on behalf of the Bacon Family [REP5-258]	
B1125 junction design and pedestrian amenity/safety	20.4.31 – 20.4.33 [REP3-042]
Justification for the route of the Sizewell Link Road	See response to Al.1.34 [REP5-121]
Options for changes to Fordley Road/SLR connection – concerns around closure of Fordley Road	1.11 [REP5-115]
Legacy benefit of SLR	See response to Al.1.33 – [REP5-121]
Construction phasing and timing for construction of SLR	Appendix B [REP5-113]
Concerns around the Marsh Harrier proposals and establishment of the land	13.5.7 – 13.5.9 [REP5-119]
Create Consulting on behalf of the Grant Family [REP5-259]	
Concerns around assessments including; Transport Assessment and Safety Audit	13.4.10 – 13.4.12 [REP5-119]
Concerns around assessment of noise and the impacts on Fordley Hall	20.2.11 – 20.2.25 [REP3-042]
	13.4.13 – 13.4.27 [REP5-119]
Concerns around assessment of visual impacts and lighting on Fordley Hall	20.2.29 – 20.2.32 [REP3-042]
	13.4.31 - 13.4.32 [REP5-119]
Options for changes to Fordley Road/SLR connection – concerns around closure of Fordley Road	1.11 [REP5-115]
Ms Dyball, Ms Hall & S R Whitwell & Co [REP5-246]	
Challenge to the process of site selection and alternatives and proximity of the site to the main development site	Chapter 2 – site selection [REP4-007]

Concerns around quantum of land required to mitigate the small area of fen meadow lost	1.2.24 REP5-112
poor communication and engagement from SZC but referencing meeting w/c 9 th August 2021	Appendix B Status of Negotiations with Owners of the Order Land (Doc Ref 4.1B(E))

b) [Additional Responses provided at Deadline 6](#)

4.3.2 In addition to those matters covered in **Table 4.1** above, additional matters raised have been addressed below:

- i. [Justin and Emma Dowley, Create Consulting on behalf of LJ & EL Dowley](#) [[REP5-227](#), [REP5-260](#) and [REP5-265](#)]

[Farm Impact Assessment](#)

4.3.3 The Interested Party has commented on the lack of engagement by the Applicant, the late nature of an offer of a Farm Impact Assessment and reluctance to reimburse professional fees.

4.3.4 The Interested Party has raised concerns in relation to the impact of the land required for the scheme (12% of the total arable area) on the arable enterprise together with the potential impact on the water table and dust from the land taken for the borrow pit. The representations suggest that these elements will threaten the viability of the arable enterprise and of the other estate enterprises including the commercial shoot resulting redundancies for 3 full time workers and 4 part time workers on the estate. In August 2019 all landowners affected by the Project (including this Interested Party) were offered the opportunity of an interview to complete a farm impact assessment questionnaire. The Interested Party did not complete this, however, the Applicant’s agent Dalcour Maclaren met with the Interested Party and their agents and obtained an understanding of the detail of estate and impacts from the proposed scheme.

4.3.5 The Applicant offered to arrange an impact assessment, on the farm and estate enterprises to understand the commercial impacts resulting from the acquisition of rights required for the Project, and also to understand any further measures which can be taken to mitigate potential impacts. The option of two separate, suitably qualified consultants was given. Reasonably and properly incurred fees associated with the assessment and subsequent report would be covered by the Applicant. At this stage the Interested Party has not taken up the offer of the impact assessment although discussions are ongoing.

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4.3.6 The Applicant is paying reasonable and properly incurred landowner fees associated with the acquisition of rights required, discussions continue between the Applicant and Interested Party in relation to any additional costs.

Borrow Pits

4.3.7 The Interested Party has raised concerns around 24/7 working on the borrow pit.

4.3.8 It is not intended that work on the borrow pit at this location will be carried out on a 24/7 hour basis. As stated in the **Written Submissions Responding to Actions Arising from ISH5, Appendix D: Northern Borrow Pit Summary** [[REP5-117](#)]:

“Working hours are expected to generally be standard and established site hours (i.e. daylight with some extension into dark hours in winter months), and as per the Code of Construction Practice [[AS-273](#)], which allows for 24-hour working.”

4.3.9 The Deadline 5 version of the **Code of Construction Practice** [[REP5-078](#)] states:

- *“Construction works at the main development site will require 24h working 7 days per week” (Paragraph 1.3.1)*
- *“The night shift would generally be a maintenance and logistics support shift involving activities such as:*
 - *unloading and storing the morning’s earliest heavy goods vehicle (HGV) arrivals;*
 - *unloading and storing of freight from rail deliveries overnight;*
 - *unloading and storing freight from occasional marine deliveries overnight;*
 - *pre-placement of materials for the subsequent shifts;*
 - *repositioning of scaffolding;*
 - *essential plant maintenance and repair;*
 - *dewatering operations;*
 - *refuelling; and*

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- *radiography of welds.” (Paragraph 1.3.6)*

4.3.10 The Code of Construction Practice would be a certified document and compliance would be secured through Schedule 2, Requirement 2 within the **draft Development Consent Order** [\[REP5-029\]](#).

Flooding and saltwater incursion

4.3.11 The interested Party raises concerns on the impacts on ecology and farming operations due to changes to water levels, including saltwater incursion

4.3.12 Further information on this topic is included in **Appendix A of Written Submissions responding to arising from ISH7** (Doc Ref. 9.62).

4.3.13 A water management plan to be provided at Deadline 7.

- i. Ms Dyball, Ms Hall & S R Whitwell & Co [\[REP5-246\]](#)

Fen Meadow establishment

4.3.14 The Interested Party raised concerns around the lack of information on how site will be established, concerns around impacts on water levels, field drainage, existing habitats and potential introduction of wet woodland habitats

4.3.15 SZC Co. have submitted a **Fen Meadow Plan Draft 1** at Deadline 6 (Doc Ref. 9.64).



REFERENCES

1. EDF Energy, 2020, Sizewell B Relocated Facilities Shadow Habitat Regulations Assessment, [Online] available at:
<http://publicaccessdocuments.eastsuffolk.gov.uk/NorthgatePublicDocs/01603043.pdf>